



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Legislation Details (With Text)

**File #:** 2020-0598    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Preliminary Item  
**File created:** 6/2/2020    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 7/30/2020    **Final action:**  
**Title:** COMMISSION DISTRICT(S): 3 & 6  
Application of Kelli Wilson c/o Julie Sellers to rezone properties from Tier 5 Bouldercrest Overlay District to Tier 4 Bouldercrest Overlay District and maintain the underlying R-100 (Residential Medium Lot) zoning to allow a contractor and construction business.

### Indexes:

**Attachments:** 1. Z 20 1243838 staff report

Date	Ver.	Action By	Action	Result
7/30/2020	1	Board of Commissioners - Zoning Meeting	denied	Pass
7/7/2020	1	Planning Commission		

**Public Hearing:** YES ☒ NO ☐

**Department:** Planning & Sustainability

### SUBJECT:

**COMMISSION DISTRICT(S): 3 & 6**

**Application of Kelli Wilson c/o Julie Sellers to rezone properties from Tier 5 Bouldercrest Overlay District to Tier 4 Bouldercrest Overlay District and maintain the underlying R-100 (Residential Medium Lot) zoning to allow a contractor and construction business.**

**PETITION NO: N1. Z-20-1243838 2020-0598**

**PROPOSED USE: Contractor & construction business.**

**LOCATION:** 4341 E. Conley Road

**PARCEL NO. :** 15-013-01-017; 15-013-01-018

**INFO. CONTACT:** John Reid

**PHONE NUMBER:** 404-371-2155

### PURPOSE:

Application of Kelli Wilson c/o Julie Sellers to rezone properties from Tier 5 Bouldercrest Overlay District to Tier 4 Bouldercrest Overlay District and maintain the underlying R-100 (Residential Medium Lot) zoning to allow a contractor and construction business. The property is located on the northwest side of East Conley Road, approximately 707 feet northeast of Interstate 675 at 4321 and 4341 East Conley Road in Conley, Georgia. The property has approximately 523 feet of road frontage along East Conley Road and contains 12.9 acres.

### RECOMMENDATION:

**COMMUNITY COUNCIL:** Denial.

**PLANNING COMMISSION:** Denial.

**PLANNING STAFF:** Denial.

**STAFF ANALYSIS:** The purpose of Tier 4 of the Bouldercrest Overlay District is to “encourage the development and redevelopment of industrial properties, but to higher design standards than currently exist”. As currently proposed the heavy truck traffic and potential noise impacts associated with the proposed contractor’s office and outdoor storage yard is not compatible with the single-family subdivision to the east or the single-family homes to the north. The proposed Tier 4 also allows a wide range of other commercial and industrial uses which are inconsistent with single-family residential neighborhoods. There are several requirements of the Overlay District related to compatibility that the site survey does not address, including building height, parking lot landscaping, sidewalks, and street trees. Therefore, the Tier 4 industrial rezoning request is not consistent with the policy and intent of the Suburban character area of the DeKalb County 2035 plan which calls for the preservation of established residential neighborhoods (Suburban Policy # 1). Interstate 675 serves as the line of demarcation between Tier 4 industrial zoning/land use and Tier 5 single-family residential zoning/land use. Permitting an industrial tier at this location is essentially “leap frogging” Interstate 675 to encroach into an established single-family residential area. The proposed outdoor storage yard for retaining walls, structural support walls, and retaining wall support structures requires a Special Land Use Permit (SLUP) approval by the Board of Commissioners, and no SLUP has been submitted. The applicant submitted a letter requesting withdrawal of this rezoning application on June 8, 2020 (see attached). Some neighborhood residents who are opposed to this rezoning request and attended the Community Council District 3 virtual ZOOM meeting wanted to make sure that if the application is withdrawn, that the applicant must wait for at least 24 months before they are allowed to reapply for a rezoning, which would be required if the application were denied. Article 7.2.2.H of the Zoning Ordinance indicates that a “Withdrawal Without Prejudice” by the Board of Commissioners would not be subject to a 24-month waiting period but is silent on whether a “withdrawal” or “withdrawal with prejudice” requires a 24-month waiting period to reapply. While it is normally staff’s policy to recommend withdrawal at the request of the applicant, the Planning Department is sensitive to the neighborhood desires to require a two-year waiting period before the property owner can reapply for a rezoning. Since the zoning ordinance does not provide clear direction whether a withdrawal with prejudice would accomplish this objective, it is the recommendation of the Planning & Sustainability Department that the application be Denied to ensure that the property owners must wait at least 24 months after the Board of Commissioner decision before a rezoning application can be submitted.

**PLANNING COMMISSION VOTE: Denial 7-0-0.** J. West moved, P. Womack, Jr. seconded for Denial, per Staff recommendation.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 7-0-0.** The recommendation was based on statements by neighbors about noise, dust, traffic jams, road damage by big trucks, environmental damage, and code violations caused by the construction business applying for the rezoning.